



# **NEWS RELEASE**

**Civil Justice Council Publishes Recommendations  
to improve access to justice for  
consumers and small businesses in collective claims**

**5 August 2008**

The Civil Justice Council (CJC) today published a series of recommendations aimed at improving access to justice for consumers and small business bringing collective claims for compensation.

The interim report entitled "*Improving Access through collective actions – Developing a more effective and efficient procedure for collective actions*" calls for reform of existing multi party mechanisms to provide for actions to be brought on behalf of classes of consumers or businesses.

The Council's recommendations included:

- increasing the types of representative bodies that can bring claims
- making the judiciary the gatekeeper of the procedure
- permitting claims to be brought on an opt-out basis where it is in the best interests of justice
- changing the law to permit the award of aggregate damages

Welcoming the report, CJC Chief Executive, Robert Musgrove said:

"These recommendations follow more than two years of extensive consultation and research. The subject of collective actions is not without a degree of controversy, and the Council's recommendations have been carefully crafted to ensure that collective claims may only be brought where there is

clear merit, and where the claimant has a reasonable opportunity of recovering fair compensation.

This is **not** a licence to lawyers or funders to drum up litigation for personal profit, but an improvement in access to justice to allow legitimate claims to be brought. The recommendations contain a number of procedural mechanisms that protect defendants, and place the case-managing judge in control at all stages of the claim; from certification of merits, agreement of the funding arrangements, rigorous case management of the claim, and authority over the final settlement”.

Underlining this, the report makes clear that the process should only be used where it is the most appropriate means of taking a case forward, for example in comparison to alternatives such as mediation or regulatory redress. The appeal processes would be the same as for other court proceedings.

The report is submitted to the Lord Chancellor and Secretary of State for Justice as interim advice, in order to contribute to other Government organisations’ and European Union consideration of the issues. Supplemental work will take place over the summer to draft rules of court, which will be appended to the final report in the autumn.

The paper is available on The Civil Justice Council website [www.civiljusticecouncil.gov.uk](http://www.civiljusticecouncil.gov.uk)

#### **Notes for Editors:**

1. The Civil Justice Council is an advisory non-departmental public body established under the Civil Procedure Act 1997 and is chaired by the Master of the Rolls, Sir Anthony Clarke. The CJC is required to: keep the civil justice system under review; consider how to make the civil justice system more accessible, fair and efficient; advise the Lord Chancellor and the judiciary on the development of the civil justice system; refer proposals for changes in the civil justice system to the Lord Chancellor and the Civil Procedure Rule Committee, and make proposals for research. Its membership includes senior judges, lawyers, consumer and commercial representatives, legal advisers and academics. Further information about the Council can be obtained from the Secretariat on 020 7947 6670 or email [cjc@judiciary.gsi.gov.uk](mailto:cjc@judiciary.gsi.gov.uk).
2. See also, Press Release “Civil Justice Council publishes research into the need to improve consumer redress - Is there a need to improve consumer redress?” (8 February 08)
3. Further information about the Civil Justice Council can be found at [www.civiljusticecouncil.gov.uk](http://www.civiljusticecouncil.gov.uk)

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